

AMENDMENT TO H.R. 2, AS REPORTED
OFFERED BY MR. ARMEY OF TEXAS

Before section 111 of the bill, insert the following
(and redesignate any subsequent sections accordingly):

1 SEC. 111. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

2 Subpart 1 of part A of title I of the Elementary and
3 Secondary Education Act of 1965 (20 U.S.C. 6311 et
4 seq.) is amended by inserting after section 1115A of such
5 Act (20 U.S.C. 6316) the following:

6 “SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

7 “(a) IN GENERAL.—If a student is eligible to be
8 served under section 1115(b), or attends a school eligible
9 for a schoolwide program under section 1114, and—

10 “(1) becomes a victim of a violent criminal of-
11 fense while in or on the grounds of a public elemen-
12 tary school or secondary school that the student at-
13 tends and that receives assistance under this part,
14 then the local educational agency shall allow such
15 student to attend another public school or public
16 charter school in the same State as the school where
17 the criminal offense occurred, that is selected by the
18 student’s parent; or

19 “(2) the public school that the student attends
20 and that receives assistance under this part has been

1 designated as an unsafe public school, then the local
2 educational agency may allow such student to attend
3 another public school or public charter school in the
4 same State as the school where the criminal offense
5 occurred, that is selected by the student's parent.

6 “(b) STATE EDUCATIONAL AGENCY DETERMINA-
7 TIONS.—

8 “(1) The State educational agency shall deter-
9 mine, based upon State law, what actions constitute
10 a violent criminal offense for purposes of this sec-
11 tion.

12 “(2) The State educational agency shall deter-
13 mine which schools in the State are unsafe public
14 schools.

15 “(3) The term ‘unsafe public schools’ means a
16 public school that has serious crime, violence, illegal
17 drug, and discipline problems, as indicated by condi-
18 tions that may include high rates of—

19 (A) expulsions and suspensions of students
20 from school;

21 (B) referrals of students to alternative
22 schools for disciplinary reasons, to special pro-
23 grams or schools for delinquent youth, or to ju-
24 venile court;

1 (C) victimization of students or teachers by
2 criminal acts, including robbery, assault and
3 homicide;

4 (D) enrolled students who are under court
5 supervision for past criminal behavior;

6 (E) possession, use, sale or distribution of
7 illegal drugs;

8 (F) enrolled students who are attending
9 school while under the influence of illegal drugs
10 or alcohol;

11 (G) possession or use of guns or other
12 weapons;

13 (H) participation in youth gangs; or

14 (I) crimes against property, such as theft
15 or vandalism.

16 “(c) TRANSPORTATION COSTS.—The local edu-
17 cational agency that serves the public school in which the
18 violent criminal offense occurred or that serves the des-
19 ignated unsafe public school may use funds hereafter pro-
20 vided under this part to provide transportation services
21 or to pay the reasonable costs of transportation for the
22 student to attend the school selected by the student’s par-
23 ent.

24 “(d) SPECIAL RULE.—Any school receiving assist-
25 ance provided under this section shall comply with title

1 VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et
2 seq.) and not discriminate on the basis of race, color, or
3 national origin.

4 “(e) PART B OF THE INDIVIDUALS WITH DISABIL-
5 ITIES EDUCATION ACT.—Nothing in this section shall be
6 construed to affect the requirements of part B of the Indi-
7 viduals with Disabilities Education Act (20 U.S.C. 1411
8 et seq.).

9 “(f) MAXIMUM AMOUNT.—Notwithstanding any
10 other provision of this section, the amount of assistance
11 provided under this part for a student shall not exceed
12 the per pupil expenditure for elementary or secondary edu-
13 cation, as appropriate, by the local educational agency
14 that serves the school—

15 (1) where the violent criminal offense occurred
16 for the fiscal year preceding the fiscal year in which
17 the offense occurred; or

18 (2) designated as an unsafe public school by the
19 State educational agency for the fiscal year pre-
20 ceding the fiscal year for which the designation is
21 made.

22 “(g) CONSTRUCTION.—Nothing in this Act or any
23 other Federal law shall be construed to prevent a parent
24 assisted under this section from selecting the public or pri-

1 vate elementary school or secondary school that a child
2 of the parent will attend within the State.

3 “(h) CONSIDERATION OF ASSISTANCE.—Assistance
4 used under this section to pay the costs for a student to
5 attend a private school shall not be considered to be Fed-
6 eral aid to the school, and the Federal Government shall
7 have no authority to influence or regulate the operations
8 of a private school as a result of assistance received under
9 this section.

10 “(i) CONTINUING ELIGIBILITY.—A student assisted
11 under this section shall remain eligible to continue receiv-
12 ing assistance under this section for 5 academic years
13 without regard to whether the student is eligible for assist-
14 ance under section 1114 or 1115(b).

15 “(j) STATE LAW.—All actions undertaken under this
16 section shall be undertaken in accordance with State law
17 and may be undertaken only to the extent such actions
18 are permitted under State law.

19 “(k) TUITION CHARGES.—Assistance under this sec-
20 tion may not be used to pay tuition or required fees at
21 a private elementary school or secondary school in an
22 amount that is greater than the tuition and required fees
23 paid by students not assisted under this section at such
24 school.

1 “(l) SECTARIAN INSTITUTIONS.—Nothing in this sec-
2 tion shall be construed to supersede or modify any provi-
3 sion of a State constitution that prohibits the expenditure
4 of public funds in or by sectarian institutions.

After part G of the Elementary and Secondary Edu-
cation Act of 1965, as proposed to be added by section
171 of the bill, insert the following:

5 **PART F—ACADEMIC EMERGENCIES**

6 **SEC. 181. ACADEMIC EMERGENCIES.**

7 (a) ACADEMIC EMERGENCIES.—Title I of the Act is
8 amended by adding at the end the following:

9 **“PART H—ACADEMIC EMERGENCIES**

10 **“SEC. 1801. SHORT TITLE.**

11 “‘This part may be cited as the “Academic Emergency
12 Act”’.

13 **“SEC. 1802. PROGRAM AUTHORIZED.**

14 “(a) IN GENERAL.—The Secretary is authorized to
15 provide funds to States that have 1 or more schools des-
16 ignated under section 1803 as academic emergency
17 schools to provide parents whose children attend such
18 schools with education alternatives.

19 “(b) GRANTS TO STATES.—Grants awarded to a
20 State under this part shall be awarded for a period of not
21 more than 5 years.

1 **“SEC. 1803. ACADEMIC EMERGENCY DESIGNATION.**

2 “(a) DESIGNATION.—The Governor of each State
3 may designate 1 or more schools in the State that meet
4 the eligibility requirements set forth in subsection (b) or
5 are identified for school improvement under section
6 1116(b) as academic emergency schools.

7 “(b) ELIGIBILITY.—To be designated as an academic
8 emergency school, the school shall be a public elementary
9 school—

10 “(1) with a consistent record of poor perform-
11 ance by failing to meet minimum academic stand-
12 ards as determined by the State; and

13 “(2) in which more than 50 percent of the chil-
14 dren attending are eligible for free or reduced price
15 lunches under the National School Lunch Act (42
16 U.S.C. 1751 et seq.).

17 “(c) LIST TO SECRETARY.—To receive a grant under
18 this part, the Governor shall submit a list of academic
19 emergency schools to the State educational agency and the
20 Secretary.

21 **“SEC. 1804. APPLICATION AND STATE SELECTION.**

22 “(a) APPLICATION.—Each State in which the Gov-
23 ernor has designated 1 or more schools as academic emer-
24 gency schools shall submit an application to the Secretary
25 that includes the following:

1 “(1) ASSURANCES.—Assurances that the State
2 shall—

3 “(A) use the funds provided under this
4 part to supplement, not supplant, State and
5 local funds that would otherwise be available for
6 the purposes of this part;

7 “(B) provide written notification to the
8 parents of every student eligible to receive aca-
9 demic emergency relief funds under this part,
10 informing the parents of the voluntary nature
11 of the program established under this part, and
12 the availability of qualified schools within their
13 geographic area;

14 “(C) provide parents and the education
15 community with easily accessible information
16 regarding available education alternatives; and

17 “(D) not reserve more than 4 percent of
18 the amount made available under this part to
19 pay administrative expenses.

20 “(2) INFORMATION.—Information regarding
21 each academic emergency school, for the school year
22 in which the application is submitted, regarding the
23 number of children attending such school, including
24 the number of children who are eligible for free or
25 reduced-price lunch under the National School

1 Lunch Act (42 U.S.C. 1751 et seq.) and the level of
2 student performance.

3 “(b) STATE AWARDS.—

4 “(1) STATE SELECTION.—From the amount ap-
5 propriated pursuant to the authority of section 1814
6 in any fiscal year, the Secretary shall award grants
7 to States in accordance with this section.

8 “(2) PRIORITY.—To the extent practicable, the
9 Secretary shall ensure that each State that com-
10 pletes an application in accordance with subsection
11 (a) shall receive a grant of sufficient size to provide
12 education alternatives to not less than 1 academic
13 emergency school.

14 “(3) AWARD CRITERIA.—In determining the
15 amount of a grant award to a State under this part,
16 the Secretary shall take into consideration the num-
17 ber of schools designated as academic emergencies in
18 the State and the number of eligible students in
19 such schools.

20 “(4) STATE PLAN.—Each State that applies for
21 funds under this part shall establish a plan—

22 “(A) to ensure that the greatest number of
23 eligible students who attend academic emer-
24 gency schools have an opportunity to receive an
25 academic emergency relief funds; and

1 “(B) to develop a simple procedure to
2 allow parents of participating eligible students
3 to redeem academic emergency relief funds.

4 **“SEC. 1805. SELECTION OF ACADEMIC EMERGENCY**
5 **SCHOOLS AND AWARDS TO PARENTS.**

6 “(a) SELECTION.—The State shall select academic
7 emergency schools based on —

8 “(1) the number of eligible students attending
9 an academic emergency school;

10 “(2) the availability of qualified schools near
11 the academic emergency school; and

12 “(3) the academic performance of students in
13 the academic emergency school.

14 “(b) INSUFFICIENT FUNDS.—If the amount of funds
15 made available to a State under this part is insufficient
16 to provide every eligible student in a selected academic
17 emergency school with academic emergency relief funds,
18 the State shall devise a random selection process to pro-
19 vide eligible students in such school whose family income
20 does not exceed 185 percent of the poverty line the oppor-
21 tunity to participate in education alternatives established
22 pursuant to this part.

23 “(c) PAYMENTS.—

24 “(1) IN GENERAL.—From the funds made
25 available to a State under this part and not reserved

1 under section 1804(a)(1)(D), a State shall pay not
2 more than \$3,500 in academic emergency relief
3 funds to the parents of each participating eligible
4 student.

5 “(2) PERIOD OF AWARDS.—The academic emer-
6 gency relief funds awarded to parents of partici-
7 pating eligible students shall be awarded for each
8 school year during the grant period which shall
9 terminate—

10 “(A) when a participating eligible student
11 is no longer a student in the State; or

12 “(B) at the end of 5 years,
13 whichever occurs first.

14 “(3) DURATION.—A State shall continue to re-
15 ceive funds under this part for distribution to par-
16 ents of participating eligible students throughout the
17 5-year grant period.

18 **“SEC. 1806. QUALIFIED SCHOOLS.**

19 “(a) QUALIFICATIONS.—A State that submits an ap-
20 plication to the Secretary under section 1804 shall publish
21 the qualifications necessary for a school to participate as
22 a qualified school under this part. At a minimum, each
23 such school shall—

24 “(1) provide assurances to the State that it will
25 comply with section 1810;

1 “(2) certify to the State that the amount
2 charged to a parent using academic relief funds for
3 tuition and fees does not exceed the amount for such
4 tuition and fees charged to a parent not using such
5 relief funds whose child attends the qualified school
6 (excluding scholarship students attending such
7 school); and

8 “(3) report to the State, not later than July 30
9 of each year in a manner prescribed by the State,
10 information regarding student performance.

11 “(b) CONFIDENTIALITY.—No personal identifiers
12 may be used in such report described in subsection (a)(3),
13 except that the State may request such personal identifiers
14 solely for the purpose of verifying student performance.

15 **“SEC. 1807. ACADEMIC EMERGENCY RELIEF FUNDS.**

16 “(a) USE OF ACADEMIC EMERGENCY RELIEF
17 FUNDS.—A parent who receives academic emergency re-
18 lief funds from a State under this part may use such funds
19 to pay the costs of tuition and mandatory fees for a pro-
20 gram of instruction at a qualified school.

21 “(b) NOT SCHOOL AID.—Academic emergency relief
22 funds under this part shall be considered assistance to the
23 student and shall not be considered assistance to a quali-
24 fied school.

1 **“SEC. 1808. EVALUATION.**

2 “(a) ANNUAL EVALUATION.—

3 “(1) CONTRACT.—The Comptroller General of
4 the United States shall enter into a contract, subject
5 to amounts specified in Appropriation Acts, with an
6 evaluating agency that has demonstrated experience
7 in conducting evaluations, for the conduct of an on-
8 going rigorous evaluation of the education alter-
9 native program established under this part.

10 “(2) ANNUAL EVALUATION REQUIREMENT.—

11 The contract described in paragraph (1) shall re-
12 quire the evaluating agency entering into such con-
13 tract to annually evaluate the education alternative
14 program established under this part in accordance
15 with the evaluation criteria described in subsection
16 (b).

17 “(3) TRANSMISSION.—The contract described
18 in paragraph (1) shall require the evaluating agency
19 entering into such contract to transmit to the Comp-
20 troller General of the United States the findings of
21 each annual evaluation under paragraph (2).

22 “(b) EVALUATION CRITERIA.—The Comptroller Gen-
23 eral of the United States, in consultation with the Sec-
24 retary, shall establish minimum criteria for evaluating the
25 education alternative program established under this part.
26 Such criteria shall provide for—

1 “(1) a description of the effects of the pro-
2 grams on the level of student participation and pa-
3 rental satisfaction with the education alternatives
4 provided pursuant to this part compared to the edu-
5 cational achievement of students who choose to re-
6 main at academic emergency schools selected for
7 participation under this part; and

8 “(2) a description of the effects of the pro-
9 grams on the educational performance of eligible
10 students who receive academic emergency relief
11 funds compared to the educational performance of
12 students who choose to remain at academic emer-
13 gency schools selected for participation under this
14 part.

15 **“SEC. 1809. REPORTS BY COMPTROLLER GENERAL.**

16 “(a) INTERIM REPORTS.—Three years after the date
17 of enactment of the Student Results Act of 1999, the
18 Comptroller General of the United States shall submit an
19 interim report to Congress on the findings of the annual
20 evaluations under section 1808(a)(2) for the education al-
21 ternative program established under this part. The report
22 shall contain a copy of the annual evaluation under section
23 1808(a)(2) of education alternative program established
24 under this part.

1 “(b) FINAL REPORT.—The Comptroller General shall
2 submit a final report to Congress, not later than 7 years
3 after the date of the enactment of the Student Results
4 Act of 1999, that summarizes the findings of the annual
5 evaluations under section 1808(a)(2).

6 **“SEC. 1810. CIVIL RIGHTS.**

7 “(a) IN GENERAL.—A qualified school under this
8 part shall not discriminate on the basis of race, color, na-
9 tional origin, or sex in carrying out the provisions of this
10 part.

11 “(b) APPLICABILITY AND CONSTRUCTION WITH RE-
12 SPECT TO DISCRIMINATION ON THE BASIS OF SEX.—

13 “(1) APPLICABILITY.—With respect to discrimi-
14 nation on the basis of sex, subsection (a) shall not
15 apply to a qualified school that is controlled by a re-
16 ligious organization if the application of subsection
17 (a) is inconsistent with the religious tenets of the
18 qualified school.

19 “(2) SINGLE-SEX SCHOOLS, CLASSES, OR AC-
20 TIVITIES.—With respect to discrimination on the
21 basis of sex, nothing in subsection (a) shall be con-
22 strued to prevent a parent from choosing, or a quali-
23 fied school from offering, a single-sex school, class,
24 or activity.

1 **“SEC. 1811. RULES OF CONSTRUCTION.**

2 “(a) IN GENERAL.—Nothing in this part shall be
3 construed to prevent a qualified school that is operated
4 by, supervised by, controlled by, or connected to a religious
5 organization from employing, admitting, or giving pref-
6 erence to persons of the same religion to the extent deter-
7 mined by such school to promote the religious purpose for
8 which the qualified school is established or maintained.

9 “(b) SECTARIAN PURPOSES.—Nothing in this part
10 shall be construed to prohibit the use of funds made avail-
11 able under this part for sectarian educational purposes,
12 or to require a qualified school to remove religious art,
13 icons, scripture, or other symbols.

14 **“SEC. 1812. CHILDREN WITH DISABILITIES.**

15 “Nothing in this part shall affect the rights of stu-
16 dents, or the obligations of public schools of a State, under
17 the Individuals with Disabilities Education Act (20 U.S.C.
18 1400 et seq.).

19 **“SEC. 1813. DEFINITIONS.**

20 “As used in this part:

21 “(1) The terms “local educational agency” and
22 “State educational agency” have the same meanings
23 given such terms in section 14101 of the Elementary
24 and Secondary Education Act of 1965 (20 U.S.C.
25 8801).

1 “(2) The term “eligible student” means a stu-
2 dent enrolled, in a grade between kindergarten and
3 4th, in an academic emergency school during the
4 school year in which the Governor designates the
5 school as an academic emergency school, except that
6 the parents of a child enrolled in kindergarten at the
7 time of the Governor’s designation shall not be eligi-
8 ble to receive academic emergency relief funds until
9 the child is in first grade.

10 “(3) The term “Governor” means the chief ex-
11 ecutive officer of the State.

12 “(4) The term “parent” includes a legal guard-
13 ian or other person standing in loco parentis.

14 “(5) The term “poverty line” means the income
15 official poverty line (as defined by the Office of Man-
16 agement and Budget, and revised annually in ac-
17 cordance with section 673(2) of the Community
18 Services Block Grant Act (42 U.S.C. 9902(2)) appli-
19 cable to a family of the size involved.

20 “(6) The term “qualified school” means a pub-
21 lic, private, or independent elementary school that
22 meets the requirements of section 1806 and any
23 other qualifications established by the State to ac-
24 cept academic emergency relief funds from the par-
25 ents of participating eligible students.

1 “(7) The term “Secretary” means the Secretary
2 of Education.

3 “(8) The term “State” means each of the 50
4 States and the District of Columbia.

5 **“SEC. 1814. AUTHORIZATIONS OF APPROPRIATIONS.**

6 “There are authorized to be appropriated to carry out
7 this part \$100,000,000 for fiscal year 2000 and such sums
8 as may be necessary for each of the fiscal years 2001
9 through 2004, except that the amount authorized to be
10 appropriated may not exceed \$100,000,000 for any fiscal
11 year.”.

12 (b) REPEALS.—The following programs are repealed:

13 (1) INTERNATIONAL EDUCATION EXCHANGE
14 PROGRAM.—Section 601 of the Goals 2000: Educate
15 America Act (20 U.S.C. 5951).

16 (2) FUND FOR THE IMPROVEMENT OF EDU-
17 CATION.—Part A of title X of the Elementary and
18 Secondary Education Act of 1965 (20 U.S.C. 8001
19 et seq.).

20 (3) 21ST CENTURY COMMUNITY LEARNING CEN-
21 TERS.—Part I of title X of the Elementary and Sec-
22 ondary Education Act of 1965 (20 U.S.C. 8241 et
23 seq.).